



U.S. Department of Justice

United States Attorney
District of Massachusetts

10/19/2005 P 2:23

Main Reception: (617) 748-3100

United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

October 19, 2005

BY FEDERAL EXPRESS

Alan Black, Esq.
1383 Main Street
Springfield, MA 01103

Re: United States v. Robert A. Fafard
Criminal No. 04-40027-FDS

Dear Mr. Black:

Pursuant to Fed. R. Crim. P. 16 and Rules 116.1(C) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, the government provides the following discovery:

Enclosed is the curriculum vitae of Stephen L. Swanson. Swanson conducted the forensic examination of the computer evidence seized from Mr. Fafard's residence, and prepared the four-page report which has been provided to you already. Mr. Swanson will testify in accordance with the content of that report, i.e. that files containing child pornography, chat logs discussing child pornography, etc. were found on Fafard's two computers. Mr. Swanson is also expected to testify about embedded data in the computer regarding when files were created, last accessed, etc.

We are preparing and will produce a DVD containing Fafard's statements obtained from his computer. These include chat logs regarding the sharing of child pornography. The DVD will not include any attachments containing contraband, such as motion pictures or still photographs depicting child pornography. Please contact the undersigned to review such materials.

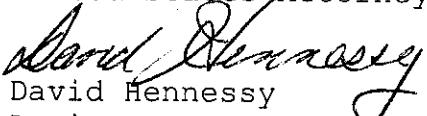
Lastly, based upon a review of the content of Fafard's computers and hard drives, we have located a number of files containing video images (as opposed to still images) of child pornography. We expect to call as an expert an FBI computer

forensic examiner who will testify, in substance, that the current state of the art in computer animation is insufficient to create "realistic" full-motion video clips of any appreciable duration of children engaged in sexually explicit conduct using only "computer-generated" people. Accordingly, a video clip of any appreciable duration which captures children engaged in sexually explicit conduct depicts real children. The qualifications and curriculum vitae of the expert will be provided as soon as she or he is identified.

Please call the undersigned at 508 368-0105, if you have questions.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By: 
David Hennessy
Assistant U.S. Attorney

Enclosures

cc: Martin Castles (w/o enclosures)✓
Clerk to the Honorable F. Dennis Saylor, IV